

Division of Measurement Standards
8500 Fruitridge Road
Sacramento, California 95826

DMS Notice
P – 01 - 1

March 20, 2001

Discard: 3/02

TO WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Report To The Legislature on Air and Water at Service Stations

The attached report was approved by the Governor and forwarded to the California Legislature on March 1, 2001 as required by Assembly Bill 531 (Soto, 1999).

If you have any questions regarding the results of the survey, please contact David Lazier at (916) 229-3044.

Sincerely,

Mike Cleary
Director
(916) 229-3000

Attachment

**MARCH 1, 2001 REPORT TO THE LEGISLATURE ON AIR AND WATER AT
SERVICE STATIONS (ASSEMBLY BILL 531, SOTO, STATS. 1999, CH. 582 §2)**

**BY: DEPARTMENT OF FOOD AND AGRICULTURE
DIVISION OF MEASUREMENT STANDARDS**

INTRODUCTION:

Assembly Bill (AB) 531 (Soto, Stats. 1999, Ch. 582 §2) amended the Business and Professions Code, Division 5, Chapter 14.5, Section 13651. This amendment requires that every service station provide, during operating hours, at no cost to customers who purchase motor vehicle fuel, water, compressed air, and an air pressure gauge for the servicing of any passenger vehicle. The amendment also requires those service stations to post a specific sign with a toll free number, established by the Department of Food and Agriculture, for complaint purposes. The Department of Food and Agriculture, Division of Measurement Standards, was given the responsibility to enforce the provisions of the amendment.

COMPLAINT RESPONSE AND ENFORCEMENT:

The Division of Measurement Standards established and had operational the toll free 800 number for complaint reporting on January 1, 2000. The number is 1 (800) 356-7057. The Division has received 2,897 calls on the toll free number resulting in 596 complaints during the first twelve months since the number was established. The complaints involved missing signage (126), inoperable equipment (air 126, water 69), and air and/or water not free (532); many complaints identified a combination of several problems.

Division of Measurement Standards staff responded to 486 (81.5%) of the complaints between January 1, 2000 and August 31, 2000. The cost for those responses is as follows:

692 hours for a total of	-	\$51,858.48
27,819 miles for a total of	-	<u>8,623.89</u>
		\$60,482.37

This is an average cost of \$124.45 per complaint and does not include any type of routine inspection program or the cost of maintaining and staffing the toll free 800 complaint number.

AB 531 contained no funding for the investigation and enforcement of complaints received by the Division of Measurement Standards. A budget change proposal for funding was sought by the Department and approved. This provided \$115,000 in funding which allowed the Division of Measurement Standards to contract with the county sealers of weights and measures offices to perform both biannual inspections of service stations statewide for compliance with the law and respond to complaints. The remaining 110 complaints that the Division of Measurement Standards staff had not handled were referred to the appropriate county weights and measures office. The budget change proposal also provided \$34,000 per year to fund the toll free 800 number and provide staffing to handle the calls.

COMPLIANCE:

A statistical random survey of 330 service stations, out of a total population of approximately 10,000 service stations, was conducted by the Division of Measurement Standards between December 1, 2000 and January 31, 2001 to determine the compliance rate for the provisions of the air and water law. The compliance rate was determined to be **89.7%**. The violations observed included missing signage (34), inoperative equipment (20), air pressure gauge unavailable (16), air and/or water not free to fuel purchasing customers (4). Those locations with violations generally had multiple problems. Locations with violations were issued Notices of Violation for non-compliance with the provisions of Business and Professions Code, Division 5, Chapter 14.5, Section 13561(a).